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STATUTORY INSTRUMENTS

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**1995 No. 1755**

**ANIMALS**

**ANIMAL HEALTH**

**The Equine Viral Arteritis Order 1995**

*Made* - - - - *10th July 1995*

*Coming into force* - - *1st August 1995*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 8(1), 15(4) and 88(2) of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, hereby make the following Order:

**Title and commencement**

1. This Order may be cited as the Equine Viral Arteritis Order 1995 and shall come into force on 1st August 1995.

**Extension of definition of “disease”**

2. For the purposes of the Animal Health Act 1981 in its application to this Order the definition of “disease” in section 88(1) of the Act is hereby extended so as to include equine viral arteritis.

**Interpretation**

3. In this Order, unless the context otherwise requires,

“Chief Veterinary Officer” means the Chief Veterinary Officer of the Ministry;

“disease” means equine viral arteritis;

“Divisional Veterinary Officer” means the veterinary inspector appointed for the time being by the Minister to receive information about affected or suspected horses for the area in which such horses are;

“virus” means the virus of the disease.

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(1) 1981 c. 22. See Section 86(1) for the definition of “the Ministers”.

### **Notification of disease in horses**

4.—(1) Subject to paragraph (2) below, a person who knows or has reasonable grounds for supposing that a stallion—

- (a) which is in his possession or under his charge, or
- (b) which he has examined or inspected,

is or may be diseased, or is or may be a carrier of the virus, shall with all practicable speed notify the fact to the Divisional Veterinary Officer.

(2) Paragraph (1) above shall not apply in respect of a stallion which has been vaccinated against the disease and which, immediately prior to vaccination, has been tested for the disease with a negative result.

(3) A person who knows or has reasonable grounds for supposing that a mare which has been served, either naturally or by artificial insemination, within the previous fourteen days—

- (a) which is in his possession or under his charge, or
- (b) which he has examined or inspected,

is or may be diseased, shall with all practicable speed—

- (i) notify the fact to the Divisional Veterinary Officer; and
- (ii) notify to the Divisional Veterinary Officer the name of the stallion used to serve the mare and the name and address of the owner of the stallion.

(4) A person who, following analysis by him of a sample of serum or semen taken from a stallion or a sample of serum taken from a mare which has been served, either naturally or by artificial insemination within the previous fourteen days, reasonably supposes that the disease exists or the stallion may be a carrier of the virus shall—

- (a) with all practicable speed notify the fact to the Divisional Veterinary Officer;
- (b) retain the sample analysed until its disposal is authorised in writing by a veterinary inspector; and
- (c) if required in writing to do so by a veterinary inspector, surrender any samples in whatever form they are to a veterinary inspector or an officer of the Ministry acting on his behalf.

(5) This article shall not apply where the disease or virus has been deliberately introduced into a horse or sample in a laboratory.

### **Restrictions and requirements on stallions and semen**

5.—(1) Upon the notification under article 4 above, or if a veterinary inspector has other reasonable grounds for supposing that the disease or the virus exists or has within 56 days existed in a stallion, a veterinary inspector shall—

- (a) by notice served on the owner or person in charge of the stallion, impose the restrictions and requirements contained in Part I of the Schedule to this Order; and, where appropriate,
- (b) by notice served on any person who is identified as having obtained semen collected from a stallion in relation to which a notice under sub-paragraph (a) above has been served, impose the restriction contained in Part II of the Schedule to this Order.

(2) The person upon whom a notice under this article has been served shall take all reasonable steps to ensure that the notice is complied with, unless he is authorised by a licence issued by a veterinary inspector to do anything which would otherwise be a breach of this Order.

(3) A notice served under paragraph (1) above—

- (a) shall remain in force until withdrawn by a veterinary inspector by a further notice in writing served on the owner or person in charge of the stallion or its semen to which the notice served under paragraph (1) relates; and
  - (b) shall not be withdrawn until the Chief Veterinary Officer or the person authorised by him is satisfied that the disease or the virus does not exist or no longer exists in the stallion or its semen.
- (4) Until such time as a notice under this article is served, a person who has in his possession or under his charge—
- (a) a stallion suspected of being diseased or of being a carrier of the virus, or
  - (b) semen collected from such a stallion,
- shall take all reasonable steps to ensure that the relevant restrictions and requirements contained in the Schedule to this Order are complied with.

#### **Veterinary inquiry as to the existence of disease**

6.—(1) In order to ascertain whether or not the disease or the virus exists or has within 56 days existed in a horse, a veterinary inspector may carry out such inquiries, examinations and tests and take such samples as may be necessary for that purpose.

(2) Where the owner or person in charge of a stallion has made a written request to the Divisional Veterinary Officer and the Divisional Veterinary Officer has given his consent, a veterinary inspector may postpone the exercise of any of the powers under paragraph (1) above in respect of that stallion until such time as specified by the Divisional Veterinary Officer.

(3) A veterinary inspector may mark or cause to be marked for identification purposes any horse in relation to which any of the powers under paragraphs (1) or (2) above have been exercised.

(4) The owner or person in charge of the horse or any person in his employment shall provide such information and render such reasonable assistance to a veterinary inspector as may be required for the purposes of the inquiry.

(5) If, on completion of the inquiry, the veterinary inspector is of the opinion that the disease or the virus exists or has within 56 days existed in a stallion, his opinion to that effect shall be subject to confirmation by the Chief Veterinary Officer or by a person authorised by him.

#### **Publication of results of veterinary inquiry**

7.—(1) Where a veterinary inquiry under article 6 above is carried out—

- (a) upon confirmation being given under article 6(5) above the Minister may publish, in such manner as he thinks fit, the fact of confirmation and the name and location of the stallion; and
- (b) thereafter if the Chief Veterinary Officer or person authorised by him is satisfied that the disease or the virus no longer exists in a stallion, in respect of which publication has been made under sub-paragraph (a) above, the Minister shall publish in the same manner that fact and the name and location of the stallion.

(2) Where, in exercise of the power under article 6(2) above, a veterinary inquiry is postponed—

- (a) the Minister may publish, in such manner as he thinks fit, the fact that existence of the disease or the virus in the stallion is suspected and the name and location for that stallion; and
- (b) where publication has been made under sub-paragraph (a) above, upon confirmation by or on behalf of the Chief Veterinary Officer that the disease or the virus does not exist

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in the stallion, the Minister shall publish in the same manner that fact and the name and location of that stallion.

**Licences**

**8.** Any licence issued under article 5(2) may be issued subject to conditions and may be amended or revoked by a veterinary inspector by notice in writing served on the person to whom the licence was issued.

10th July 1995

*Angela Browning*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

10th July 1995

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

10th July 1995

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

## SCHEDULE

Article 5

### RESTRICTIONS AND REQUIREMENTS ON STALLIONS AND SEMEN

#### PART 1

1. No person shall use the stallion for the purposes of breeding except under the authority of a licence issued by a veterinary inspector.
2. No person shall collect semen from the stallion except under the authority of a licence issued by a veterinary inspector.
3. Semen which has previously been collected from the stallion and remains on the same premises as the stallion shall not be used for artificial insemination unless either it has been tested for the virus of the disease with negative results and the Divisional Veterinary Officer has been notified of those results or it is used under the authority of a licence issued by a veterinary inspector.
4. No person shall transfer ownership of, or lease, the stallion except under the authority of a licence issued by a veterinary inspector.
5. The person who has the stallion in his possession or charge shall inform the Divisional Veterinary Officer of any change of permanent residence of the stallion and of any change of name of the stallion within two working days of such change.
6. The owner or person in charge of the stallion shall give all reasonable assistance to a veterinary inspector to facilitate any necessary tracing and testing of semen collected from the stallion.

#### PART II

7. Where, by virtue of the assistance given to a veterinary inspector under paragraph 6, semen collected from a stallion which is subject to the restrictions under Part I is traced, such semen shall not be used for artificial insemination unless either, it has been tested for the virus of the disease with negative results and the Divisional Veterinary Officer has been notified of those results, or it is used under the authority of a licence issued by a veterinary inspector.

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#### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the extension of the definition of disease in the Animal Health Act 1981 to include equine viral arteritis (article 2).

The Order requires notification where a person knows or has reasonable grounds to suppose that a stallion or a mare which has been served either naturally or by way of artificial insemination within the previous fourteen days is or may be diseased and where a person knows or has reasonable grounds to suppose that a stallion is a carrier of the virus of the disease. It also requires notification where a person reasonably supposes that the disease or the virus exists following analysis of samples of serum or semen (article 4).

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Certain restrictions and requirements are imposed on stallions in which the disease or the virus exists or is suspected to exist and on their semen (article 5) and the Order provides for a veterinary inquiry as to the existence of disease or the virus, with positive findings in stallions subject to confirmation by the Chief Veterinary Officer (article 6).

The Order also provides that details of any stallion which has been confirmed as being diseased or as carrying the virus, or which is suspected of being diseased or of carrying the virus but in relation to which the veterinary inquiry is postponed, may be published (article 7). Where such details have been published, on finding that the disease or the virus does not, or no longer exists in the stallion, that finding is to be published (article 7).

A Compliance Cost Assessment in relation to this Order has been placed in the libraries of both Houses of Parliament and copies can be obtained from the Animal Health (Disease Control) Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.